

## R430-90-10: RATIOS AND GROUP SIZE

The rules in this section regulate the caregiver-to-child ratio which is the maximum number of children each caregiver may be responsible for. The rules also limit group size meaning the number of children being cared for in one group at the same time. These rules are based on what children need for quality nurturing care.

Rules regarding the caregiver-to-child ratio and group size apply any time there are children in care, including when children are being transported and during offsite activities. The rules also apply during special activities, such as a Saturday party when child care is being provided.

Rule	Child's Age	Unrelated Child	Provider's Own Child	Caregiver's Own Child	Other Related Child
Does the child count in the caregiver-to-child ratio?	0-3 Years	Yes	Yes	Yes	Yes
	4 years & older	Yes	No <sup>1</sup>	No <sup>1</sup>	Yes
Does the child count in maximum group size?	0-3 Years	Yes	Yes	Yes	Yes
	4 years & older	Yes	Yes	Yes	Yes

<sup>1</sup> The provider's and caregivers' children who are 4 years old and older count in the caregiver-to-child ratio if the provider or caregiver leaves the premises (or an offsite area where the children are being cared for), and is not performing caregiving duties.

Refer to the following guidelines:

- The rules are assessed according to the number of qualified children present and not by the number of children who are enrolled.
- Non-qualifying children (Ex. Friends of the provider's children and other visiting children younger than 13 years of age) who are present during child care hours and not accompanied by their parents or adult caregiver count in the maximum group size. They also count in the caregiver-to-child ratio if they are younger than four years of age.
- It is a rule violation if the group size is exceeded. The provider can correct this rule violation by having the number of visiting children that put them over the group size leave the facility.
- It is a rule violation if the ratios are exceeded. The provider can correct this rule violation by having the number of visiting children that put them over the ratio leave the facility.
- For an individual to count in the caregiver-to-child ratio, they must:
  - Meet personnel requirements as specified in rule,
  - Be on the premises or in the offsite area where the children are being cared for, and
  - Be performing caregiving duties.

### 45 Minute Allowance

For unforeseen circumstances, the caregiver-to-child ratio may be out of compliance for up to 45 minutes. Examples of unforeseen circumstances include:

- A caregiver does not arrive at their scheduled time.
- Children arrive earlier or depart later than their normal time without advance notification from their parent.
- A caregiver needs to leave due to an emergency.
- A caregiver leaves their employment without advance notice or is dismissed for immediate cause.

To stay in compliance with ratios during unforeseen circumstances, refer to the following guidelines:

- The provider must address the situation as soon as it is known that ratios will be out of compliance due to an unforeseen circumstance. The intent of the 45 minutes is to allow enough time for an approved individual to arrive and place the facility back into ratio.
- Children must not be left unsupervised.
- Sign-in and sign-out records must be up-to-date and available for review by CCL.
- If licensing staff arrive when ratios are out of compliance, but the ratio is brought into compliance within the 45 minute allowance, a rule violation will not be issued. Instead:
  - Two Focus Inspections will be conducted to confirm that it was an unforeseen circumstance.
  - If ratios are out of compliance at the first Focus Inspection, a rule violation will be issued and the second Focus Inspection will not be conducted. Instead, a Followup Inspection will be conducted to verify correction is maintained. (When following up on a ratio violation, all classrooms and areas, not just the classroom or areas that were found out of compliance will be assessed.)
  - If ratios are in compliance at the first and second Focus Inspections, no rule violations will be issued, but the situation will be documented in the CCL App.
- It is a rule violation if the ratio is not brought into compliance within the 45 minutes.

#### Emergency Substitute Variance

When the caregiver-to-child ratio is out of compliance because a caregiver unexpectedly left, and the provider cannot come into compliance within 45 minutes, CCL may grant an emergency variance to the emergency substitute rules for up to ten working days. This will give the provider time to use an emergency substitute longer than 24 hours until they bring in a new caregiver in order to be in compliance with ratios. This variance will also allow for the use of a 16 or 17-year-old emergency substitute.

To obtain this variance, the provider must:

- Contact their licensor within 24 hours (or contact other CCL staff if the licensor is unavailable), and
- Give CCL the name and/or the Covered Individual Number of the person who left.

Refer to the following guidelines:

- The provider must maintain compliance with supervision rules. A variance for supervision will not be granted.
- All emergency substitutes must sign a written statement that they:
  - Have not been convicted of a felony or misdemeanor;
  - Do not have a substantiated background finding; and
  - Are not being investigated for abuse or neglect by any federal, state, or local government agency.
- The emergency substitute's written statement must be submitted to CCL within 5 working days after the occurrence.
- When the emergency substitute is younger than 18 years old, they may not have unsupervised contact with the children.
- A Focus Inspection will be conducted to verify compliance with ratios after the variance expires.

- (1) The provider shall maintain at least 1 caregiver for up to 8 children in care, and at least 2 caregivers for 9 to 16 children in care.**

### Rationale / Explanation

There are many reasons for regulating the caregiver-to-child ratio and group size. These rules ensure that there are enough caregivers to actively supervise children, ensure children's safety, and meet their needs. Direct, warm social interaction between adults and children is more common and more likely with lower child-to-staff ratios. Maintaining a smaller group size allows older children to have needed adult support and guidance while encouraging independent, self-initiated play and other activities. *CFOC 3<sup>rd</sup> ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

It is also important to maintain appropriate caregiver-to-child ratios because caring for too many children increases the possibility of stress for caregivers, and may result in their loss of self-control. *CFOC 3<sup>rd</sup> ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

The American Academy of Pediatrics and the American Public Health Association recommend that there always be one caregiver for every two infants and toddlers who are cared for. It is also recommended that even if all children are older than two years, the maximum number of children being cared for by one caregiver should not exceed six children. *CFOC 3<sup>rd</sup> ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

### Compliance Assessment

- When determining ratio, include:
  - All children younger than 4 years old,
  - Children 4 to 13 years old, and
  - Any child with a disability who is younger than 18 years old.

### High Risk Rule Violation

#### Corrective Action for 1<sup>st</sup> Instance

Citation and CMP Warning when:

- There are infants or toddlers in care and it is over ratio by any number of children.
- With 1 caregiver, there are no infants or toddlers in care and it is over ratio by 3 or more children.
- With 2 caregivers, there are no infants or toddlers in care and it is over ratio by 5 or more children.
- A group is over ratio by any number of children during transportation or offsite activities.

### Moderate Risk Rule Violation

#### Corrective Action for 1<sup>st</sup> Instance

Citation Warning when:

- With 1 caregiver, there are no infants or toddlers in care and it is over ratio by 2 children.
- With 2 caregivers, there are no infants or toddlers in care and it is over ratio by 4 children.

### Low Risk Rule Violation

#### Corrective Action for 1<sup>st</sup> Instance

Warning when:

- With 1 caregiver, there are no infants or toddlers in care and it is over ratio by 1 child.
- With 2 caregivers, there are no infants or toddlers in care and it is over ratio by 1 to 3 children.
- When the provider exceeded the ratios because of visiting children, and the provider had the number of visiting children that put them over the ratio leave the facility during the inspection.

- (2) **The provider's or an employee's child age 4 years or older is not counted in the caregiver-to-child ratio when the parent of the child is working at the facility, but the child shall be counted in the group size.**

### Rationale / Explanation

The provider's and caregivers' children who are 4 years old and older count in the caregiver-to-child ratio when the provider or a caregiver leaves the premises or the offsite area where children are being cared for and is no longer performing caregiving duties. Ratios must be maintained, even during school runs.

**(3) When caring for children younger than 2 years old:**

- (a) there shall be no more than 2 children younger than 2 years old with 1 caregiver;**
- (b) there shall be no more than 4 children younger than 2 years old with 2 caregivers; and**
- (c) if there are 6 or fewer children in care, there may be up to 3 children younger than 2 years old with 1 caregiver.**

### Rationale / Explanation

Maintaining the caregiver-to-child ratio is most critical for infants and toddlers because they may need more one-on-one interaction with a caregiver than older children. Studies have found that children (particularly infants and toddlers) in groups that comply with recommended ratios receive more sensitive and appropriate caregiving and score higher on developmental assessments. *CFOC 3<sup>rd</sup> ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

### Compliance Assessment

- There may not be more than 4 infants or toddlers in care at the same time, regardless of the number of caregivers who are present.

### High Risk Rule Violation

#### Corrective Action for 1<sup>st</sup> Instance

Citation and CMP Warning

**(4) The provider shall not exceed the group sizes found in Table 1 and Table 2.**

<b>Table 1</b> <b>Maximum Group Size with 1 Caregiver</b>		
# of Provider's and Caregivers' Own Children Ages 4-12 Years Present During Child Care Hours	Maximum Allowed # of Children in Care, Including the Provider's and Caregivers' Own Children Younger than 4 Years Old	Total # of All Children through Age 12 Years (and through age 17 years for children with a disability) Present in the Home During Child Care Hours
0 - 4 children	8 children	12 children
5 children	7 children	12 children
6 children	6 children	12 children
7 children	5 children	12 children
8 children	4 children	12 children
9 children	3 children	12 children
10 children	2 children	12 children
11 children	1 child	12 children

<b>Table 2</b> <b>Maximum Group Size with 2 Caregivers</b>		
# of Provider's and Caregivers' Own Children Ages 4-12 Years Present During Child Care Hours	Maximum Allowed # of Children in Care, Including the Provider's and Caregivers' Own Children Younger than 4 Years Old	Total # of All Children through Age 12 Years (and through age 17 years for children with a disability) Present in the Home During Child Care Hours
0 - 8 children	16 children	24 children
9 children	15 children	24 children
10 children	14 children	24 children
11 children	13 children	24 children
12 children	12 children	24 children
13 children	11 children	24 children
14 children	10 children	24 children
15 children	9 children	24 children
16 children	8 children	24 children
17 children	7 children	24 children
18 children	6 children	24 children
19 children	5 children	24 children
20 children	4 children	24 children
21 children	3 children	24 children
22 children	2 children	24 children
23 children	1 child	24 children

### Rationale / Explanation

Children benefit from social interactions with peers. However, larger groups are generally associated with less positive interactions and developmental outcomes. The group size and ratio of children to adults are limited to allow for one-to-one interaction, intimate knowledge of individual children, and consistent caregiving. *CFOC 3<sup>rd</sup> ed. Standards 1.1.1.1. - 1.1.1.2. pp. 3-5.*

Additionally, the purpose of this rule is to ensure children's safety, especially in the event of a fire or other emergency evacuation. The National Fire Protection Association recommends that no more than three children younger than 2 years old and no more than twelve children be cared for with two caregivers in a residential child care facility. *CFOC 3<sup>rd</sup> ed. Standard 1.1.1.2. pp. 4-5.*

### Compliance Assessment

- Group size includes the provider's and caregivers' children, any other related children, and children visiting who are not accompanied by their parent or adult caregiver.

### High Risk Rule Violation

#### Corrective Action for 1<sup>st</sup> Instance

Citation and CMP Warning when:

- There are infants or toddlers in care and group size is exceeded by any number of children.
- With 1 caregiver, there are no infants or toddlers in care and group size is exceeded by 3 or more children.
- With 2 caregivers, there are no infants or toddlers in care and group size is exceeded by 5 or more children.

more children.

- A group is over group size by any number of children during transportation or offsite activities.

#### **Moderate Risk Rule Violation**

##### **Corrective Action for 1<sup>st</sup> Instance**

Citation Warning when:

- With 1 caregiver, there are no infants or toddlers in care and group size is exceeded by 2 children.
- With 2 caregivers, there are no infants or toddlers in care and group size is exceeded by 4 children.

#### **Low Risk Rule Violation**

##### **Corrective Action for 1<sup>st</sup> Instance**

Warning when:

- With 1 caregiver, there are no infants or toddlers in care and group size is exceeded by 1 child.
- With 2 caregivers, there are no infants or toddlers in care and group size is exceeded by 1 to 3 children.
- When the provider exceeded the group size because of visiting children, and the provider had the number of visiting children that put them over the group size leave the facility during the inspection.

- (5) **Caregivers who are 16 or 17 years old may be included in the caregiver-to-child ratio only when there is a caregiver who is at least 18 years old on the premises.**

#### **Rationale / Explanation**

The American Academy of Pediatrics and the American Public Health Association recommend that caregivers be at least 18 years of age, and those individuals who are younger than 18 years old should never be left alone with children. *CFOC 3<sup>rd</sup> ed. Standard 1.3.2.3. p. 13.*

Research in brain development and functioning in teenagers indicates that teenagers' responses to situations are more emotional and impulsive, and show less reasoned judgment than adult responses. For more information about this research, see:

- [www.nimh.nih.gov/Publicat/teenbrain.cfm](http://www.nimh.nih.gov/Publicat/teenbrain.cfm)
- [www.pbs.org/wgbh/pages/frontline/shows/teenbrain/](http://www.pbs.org/wgbh/pages/frontline/shows/teenbrain/)

#### **Compliance Assessment**

- A caregiver who is at least 18 years old must be on the premises when a 16- or 17-year-old counts in the caregiver-to-child ratio.
- A 16- or 17-year-old caregiver may not be left alone on the premises while a child is in care or take a child off the premises without an 18-year-old caregiver being present.

#### **Moderate Risk Rule Violation**

##### **Corrective Action for 1<sup>st</sup> Instance**

Citation Warning

- (6) **Volunteers may be included in the caregiver-to-child ratio if they:**
- (a) are at least 16 years old,
  - (b) receive at least 2.5 hours of preservice training before counting in the caregiver-to-child ratio, and
  - (c) complete at least 1.5 hours of child care training for each month they volunteer 40 hours or more.

#### **Rationale / Explanation**

Preservice training ensures that all those who work with the children in care receive specific and basic training for the work they will be doing and are informed about their new responsibilities. Preservice and ongoing training are especially important for those who may have limited education qualifications or experience working with children. *CFOC 3<sup>rd</sup> ed. Standard 1.4.2.1. p. 21.*

#### **Compliance Assessment**

- The provider's personnel records should verify that the volunteer has completed preservice training and if required, annual training.

#### **High Risk Rule Violation**

##### **Corrective Action for 1<sup>st</sup> Instance**

Citation and CMP Warning when a volunteer:

- Counted in the caregiver-to-child ratio and is younger than 16 years old.

#### **Moderate Risk Rule Violation**

##### **Corrective Action for 1<sup>st</sup> Instance**

Citation Warning when a volunteer:

- Did not receive 2.5 hours of preservice training.
- Had unsupervised contact with a child in care before receiving or completing preservice training.
- Did not complete the annual child care training hours by the license expiration date.

- (7) **Guests shall not count in the caregiver-to-child ratio.**

#### **Rationale / Explanation**

The relationship between adults and children is of utmost importance and should be supported by caregivers who meet all personnel requirements. Guests are not required to be background screened or receive training and therefore may not be responsible for any child in care. *CFOC 3<sup>rd</sup> ed. Guiding Principle 4. p. xix.*

#### **Risk and Corrective Action for 1<sup>st</sup> Instance**

Refer to 90-7(3) and/or 90-8(1) for noncompliance with this rule.